

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	<u>ORDER</u>
	:	
-v-	:	13-CR-376 (ER)
	:	
CARLOS COLON,	:	
	:	
Defendant.	:	
-----X	:	

JAMES L. COTT, United States Magistrate Judge.

The Court held a hearing on a violation of supervised release in this case on June 21, 2024, at the end of which the Court ordered that the defendant be released on the following bail conditions: (1) home detention with electronic monitoring technology as directed by Probation; (2) defendant not to possess firearm/destructive devices/other weapons; (3) defendant to reside at 43 Blanche Avenue, New Windsor, New York (an address previously approved by New York State Parole); and (4) Probation to conduct a home visit on June 24 and set a schedule for regular visits. See Docket No. 31.

Following the proceeding, the Government sought to re-open the hearing later that day, in light of the fact that the U.S. Marshals had discovered contraband in defendant's possession while in their custody. The Court granted the request, re-opened the proceeding, and at the end of which ordered that its release order be held in abeyance while the contraband be subject to testing. See Docket No. 32.

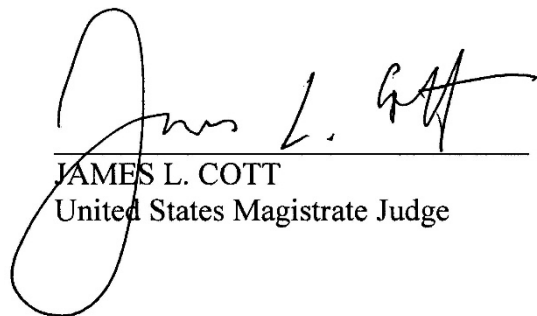
The Government has now reported to the Court by email that the DEA performed four field tests on the contraband seized on June 21, and reported that the contraband tested negative for marijuana/hashish, heroin/black tar, and cocaine/crack, and

inconclusive for opium alkaloids and MDMA ecstasy.¹ While the Government advises that it intends to raise the defendant's possession of contraband during the merits phase of the proceedings before Judge Ramos, it no longer seeks to re-open the Court's release order in light of the field test results. Probation has indicated that it continues to recommend detention as a result of the defendant's possession of contraband in the courthouse.

Given that the Government is not seeking to reopen the Court's release order, and that the contraband tested negative (or inconclusive) for all narcotics tested, the Court hereby directs that the defendant be released forthwith, consistent with the Court's prior release order. The Government is directed to arrange for the defendant to be transported to 500 Pearl Street for processing as soon as tomorrow if possible.

SO ORDERED.

Dated: New York, New York
June 24, 2024



JAMES L. COTT
United States Magistrate Judge

¹ For a complete record, the Government should file its email and make it a part of the record in this case, or alternatively convert it to a letter to be filed on the docket.